

April 12, 2005

Docket No. TPI-T400C2Z1
Serial No. 10/694,640

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : William H. Beisner
Art Unit : 1744
Applicants : Michael J. Cima, Hongming Chen, J. Richard Gyory, Anthony V. Lemmo
Serial No. : 10/694,640
Filed : October 27, 2003
Conf. No. : 3998
For : System and Method for Optimizing Tissue Barrier Transfer of Compounds

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

TERMINAL DISCLAIMER

Sir:

The owner, TransForm Pharmaceuticals, Inc., of 100% interest in the above-identified patent application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer, of prior Patent No. 6,852,526. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in

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